

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>James A. Burk, Jr., et al.</b>	:	
	:	
<b>Plaintiffs,</b>	:	<b>Civil Action No. 2:20-cv-6256</b>
	:	
<b>v.</b>	:	<b>Judge Graham</b>
	:	
<b>City of Columbus, et al.,</b>	:	<b>Magistrate Judge Vascura</b>
	:	
<b>Defendants.</b>	:	

**STIPULATION OF THE PARTIES**

The parties stipulate the following facts:

**To be read to the jury at the start of trial:**

1. On July 7, 2020, at around 2 PM, Officers Joseph Fihe and Kevin Winchell responded to a 911 call in Dublin, Ohio.
2. On July 7, 2020, Officer Joseph Fihe was acting under color of law at the time of the incident.
3. On July 7, 2020, Officer Kevin Winchell was acting under color of law at the time of the incident.
4. James Burk was employed as a special agent with ATF and was on duty in this capacity at the time of the incident on July 7, 2020.
5. James Burk experienced a right labral tear and biceps tendon tear as a result of his encounter with Columbus police on July 7, 2020.
6. James Burk underwent arthroscopic distal clavicle excision for acromioclavicular (AC) joint osteoarthritis and a biceps tenodesis for a traumatic superior labrum anterior and posterior (SLAP) tear on November 25, 2020 to treat his shoulder injuries.
7. James Burk has certain limitations in mobility in his shoulder as a result of his shoulder injuries experienced on July 7, 2020. Those limitations are permanent.
8. James Burk suffers from PTSD.

9. On July 7, 2020, the weather temperature was a high of 97°F and a low of 71°F.

**Stipulated, but not to be read to the jury:**

10. This Court has subject matter jurisdiction over this action and personal jurisdiction over the defendants. Venue is proper in this Court.
11. All defendants have either been properly served with the summons and complaint or have waived service.
12. Plaintiffs' claims are not barred by the doctrines of estoppel, waiver, or laches.
13. The parties agree to the authenticity of all exhibits listed in the Joint, Plaintiffs', and Defendants' exhibit lists through and including November 1, 2024. The parties agree to the admissibility of all exhibits listed in the Joint exhibit list.

Respectfully submitted,

/s/ Barton R. Keyes

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